

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 BILL LIETZKE,

8 Plaintiff(s),

Case No. 2:17-CV-2873 JCM (VCF)

ORDER

9 v.

10 CITY OF MONTGOMERY, et al.,

11 Defendant(s).

12
13 Presently before the court is Magistrate Judge Ferenbach's report and recommendation
14 ("R&R"). (ECF No. 3). Plaintiff, who represents himself *pro se*, filed an objection. (ECF No. 4).
15 Defendants have not filed a response, and the time for doing so has since passed.

16 This court "may accept, reject, or modify, in whole or in part, the findings or
17 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
18 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
19 determination of those portions of the [report and recommendation] to which objection is made."
20 28 U.S.C. § 636(b)(1).

21 Where a party fails to object, however, the court is not required to conduct "any review at
22 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149
23 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
24 magistrate judge's report and recommendation where no objections have been filed. *See United*
25 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
26 employed by the district court when reviewing a report and recommendation to which no
27 objections were made).

1 Plaintiff has filed eight cases against Alabama defendants in the District of Nevada. (ECF
2 No. 3). All of them have been transferred to the District of Alabama or dismissed, as “it appears
3 that the court lacks personal jurisdiction over defendants and venue is improper here.” *Lietzke v*
4 *City of Montgomery et al*, 3:17-cv-00040-MMD-WGC (ECF No. 3 at 2). The R&R in this case
5 notes that plaintiff has also filed similar complaints in Montana, Michigan, and New Mexico
6 against Alabama defendants. (ECF No. 3). Despite repeated warnings against filing frivolous
7 lawsuits, plaintiff continues to abuse the judicial process.

8 Magistrate Judge Ferenbach’s R&R recommends that the court dismiss plaintiff’s
9 complaint. (ECF No. 3). The R&R further recommends that the court declare plaintiff a vexatious
10 litigant and require plaintiff to seek leave of the court before filing additional actions in the District
11 of Nevada. *Id.*

12 Plaintiff filed an objection to the R&R. (ECF No. 4). However, the body of the objection
13 is two sentences consisting of nine vulgar phrases (15 of the 32 words in these sentences are
14 profane). *Id.* The sentences do not attempt to address or brief objectionable issues. *Id.*
15 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine whether to
16 adopt the recommendation of the magistrate judge. Upon reviewing the recommendation, the court
17 finds that good cause appears to adopt the magistrate judge’s findings.

18 Accordingly,

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge
20 Ferenbach’s report and recommendation (ECF No. 3) be, and the same hereby is, ADOPTED in
21 its entirety.

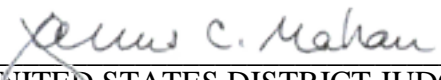
22 IT IS FURTHER ORDERED that the instant case be, and the same hereby is, DISMISSED
23 WITH PREJUDICE.

24 IT IS FURTHER ORDERED that plaintiff is deemed a vexatious litigant under 28 U.S.C.
25 § 1651(a) and is ENJOINED AND PROHIBITED from filing any new complaint, petition, or
26 other action in this court without first obtaining leave from the Chief Judge of this court. The clerk
27 of court is authorized to reject, refuse to file, and discard any new complaint, petition or other new
28 action in violation of this order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The clerk shall enter judgment accordingly and close the case.

DATED February 2, 2018.


UNITED STATES DISTRICT JUDGE